

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Reginald Tyrone Miller

Docket No. 7:03-CR-48-1F

Petition for Action on Supervised Release

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Reginald Tyrone Miller, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 10, 2003, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
5. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Reginald Tyrone Miller was released from custody on February 2, 2012, at which time the term of supervised release commenced.

On May 11, 2012, the court was notified of the defendant being charged with misdemeanor Larceny in Pender County, North Carolina. This charge was ultimately dismissed.

On February 24, 2014, the court was notified of the defendant being charged with misdemeanor False Imprisonment in Wake County, North Carolina. This charge was ultimately dismissed.

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On October 8, 2014, the court was notified of the defendant testing positive for the use of marijuana. Miller was continued under supervision and required to attend substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 25, 2014, the defendant was arrested for Driving While Impaired (14CR52120) and Speeding (14CR704703) in Duplin County, North Carolina. According to North Carolina Highway Patrolman, John Edwards, the defendant was stopped after being observed driving 93-mph in a 70-mph zone. Miller was cooperative during the arrest procedure, and he ultimately blew a .08 BAC when testing occurred at the county jail facility. The defendant admitted to this officer that he had consumed alcohol and made a poor decision to drive a motor vehicle. The defendant recognizes his dependence issues with alcohol and will be required to continue active participation in more intensive substance abuse treatment through First Step Services in Raleigh, North Carolina. This officer verbally reprimanded the defendant for his actions, and we are recommending that Miller be continued on supervision to obtain additional exposure to substance abuse treatment. We would further recommend he be required to complete three active jail weekends.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. each Friday until 6:00 a.m. each Monday for a period of (3) consecutive weekends, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

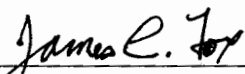
/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8682
Executed On: October 31, 2014

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ORDER OF COURT

Considered and ordered this 31st day of October, 2014, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge